



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

बुधवार, 05 फरवरी, 2020 / 16 माघ, 1941

हिमाचल प्रदेश सरकार

LABOUR AND EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla, the 2nd January, 2020

No. Shram(A) 6-7/2019 (Awards) L.C. Shimla.—In exercise of the powers vested under section 17 (1) of the Industrial Disputes Act, 1947, the Governor Himachal Pradesh is pleased to order the publication of awards of the following cases announced by the Presiding Officer,

Labour Court Shimla on the website of the Department of Labour & Employment Government of Himachal Pradesh:—

Sl. No.	Ref. No.	Petitioner	Respondent	Date of Award/Order
1.	86/2018	Him Shakti Workers Union	Manager, Him Shakti Prlect Ltd.	16-10-19
2.	178/2018	Reena Kumari	Lavista Ideal Pharma Nalagarh	24-10-19
3.	117/2017	Krishan Bhanu	M.D. Satya Swadesh, Pathankot	16-10-19
4.	63/2016	Ranjeet Singh	Himachal Futuristic Communication Ltd.	22-10-19
5.	109/2018	Manoj Kumar	LLr group of Institute, Solan	22-10-19
6.	67/2017	Aman Thakur	M.D. Kailash Print Media (P) Ltd.	17-10-19
7.	84/2019	Akshay Kumar	M/s Daramic Battery Separator Inida (P) Ltd.	17-10-19
8.	96/2019	Radha Devi	M/s Tenzin Hospital Panthaghati	16-10-19
9.	91/2019	Ankush	Distt. Manager H.P. State Corpt. Bank Ltd. Nahan.	05-10-19
10.	93/2019	Ankit Kumar	-do-	05-10-19
11.	70/2019	Lakshaman Dass	M/s Patel Engineering Ltd.	14-10-19
12.	81/2019	Ajay	M/s Petal Engineering Ltd.	03-10-19
13.	87/2019	Vijay	Reno Enterprises & Anr.	03-10-19

By order,

NISHA SINGH, IAS
Addl.Chief Secretary (Lab. & Emp.).

16-10-2019.

Present :— Shri Niranjana Verma, Advocate for petitioner.

Shri Prateek Kumar, Advocate Vice Shri Rahul Mahajan, Advocate for respondent.

The learned counsel for the petitioner submits that the petitioner union intends to withdraw the claim preferred by the petitioner. A separate statement of the learned counsel has been recorded in this behalf and placed on file. It thus seems that apparently the dispute has ceased to exist as of now. The petitioners are thus permitted to withdraw their claim at this stage. The reference sent for adjudication is dismissed as withdrawn. Let a copy of this order be sent to the appropriate government for publication in the official gazette. File, after completion, be consigned to records.

Announced: 16-10-2019

Sd/-
(CHIRAG BHANU SINGH),
Presiding Judge,
Labour Court, Shimla.

24-10-2019

Present: None.

Reena Kumari V/s M/s Lavista Ideal Pharma, Nalagarh.

Since the very inception none has appeared on behalf of the parties. Thrice notices have been issued to both the sides. On 21.06.2019 notices were ordered to be served through registered post. Notices issued to the petitioner have been received back with the report "Not Known" and the notices issued to the respondent have been received with the report "refused". In the absence of the parties the reference cannot be taken up by this court. The complete and correct address of the petitioner is as has been reflected in the reference. There is no mechanism to procure the correct and complete address of the parties. Despite best efforts parties are not being served, apparently the Industrial Dispute under reference is no longer in existence and the petitioner is not interested to prosecute the lis any further. The petitioner has never come forward since 2018 to prosecute her claim. The reference is thus dismissed as not having been pressed, at this stage. Disposed off accordingly. Let a copy of this order be sent to the appropriate government for publication in the official gazette.

Announced
24-10-2019.

Sd/-
(CHIRAG BHANU SINGH),
Presiding Judge,
Labour Court, Shimla.

**IN THE COURT OF SHRI CHIRAG BHANU SINGH, PRESIDING JUDGE, H.P.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHIMLA**

Reference No. 117 of 2017

Instituted on 1-8-2017

Decided on 16-10-2019

Krishan Bhanu s/o Shri Todar Ram Sharma Patrakar Vihar, Kachi Ghati, V.P.O. Tara Devi, Shimla-10, Tehsil and District Shimla, H.P. *.Petitioner.*

VERSUS

M/s Managing Director, Satya Swadesh, V.P.O. Bandhani, Distt. Pathankot-145001 Punjab through Shri S.K. Punj *.Respondent.*

**Reference under section 17(2) of the Working Journalists and Other Newspaper
Employees (Conditions of Services) Act, 1955**

For petitioner : Shri Ashwani Dhiman, Advocate.

For respondent : *Ex-parte.*

AWARD

The following reference was received for adjudication from the appropriate government:

“Whether the action of the employers M/s Managing Director, Satya Swadesh, V.P.O. Bandhani, Distt. Pathankot-145001, Punjab for not paying claim of arrears amounting to Rs. 13,57,475/- (Rs. Thirteen Lakh fifty seven thousand four hundred seventy five only) Shri Krishan Bhanu, Patrakar Vihar, Kachi-Ghati, Shimla-171010, H.P. as difference of wages actually drawn and due as per recommendation of Majithia Wage Boards (copy of claim enclosed) constituted under section 9 & 13(C) of the Working Journalists and Other Newspaper Employees (Condition of services and Miscellaneous Provisions Act, 1955) is legal and justified ? If yes, to what amount of relief/arrear, along with interest etc. the aggrieved employee is entitled to from the above employers/management?”

2. In pursuance to the reference, it is averred by the petitioner that he was initially recruited as Chief Bureau by the respondent on 1.3.2014. The appointment letter has been annexed alongwith. He came to be confirmed as the Chief Bureau *w.e.f.* 1.9.2014, per the terms and conditions earlier arrived at between the parties. The copy of the confirmation letter has also been annexed alongwith. It is the case of the petitioner that the respondent has not paid the arrears of wages accruing to him on account of the recommendations of the Majithia Wage Board Notification dated 11.11.2011 and as per the judgment announced by the Hon'ble Supreme Court. The petitioner had thus forwarded a claim under section 17(1) of the Working Journalists (Conditions of Services) and Miscellaneous Provisions Act, 1955 (hereinafter to be referred as the Act) before the Labour Conciliation Officer and hence the present claim. The copy of the claim so preferred before the labour authorities is also annexed alongwith the statement of claim.

3. Per the petitioner he is entitled to Rs. 13,54,475/- as per the Wage Board notification, calculated in the aforesaid terms in the statement of claim:

1. Basic Salary/Wages	Rs. 22,000/-
2. 35% Variable Pay	Rs. 7700/-
3. DA 167% (basic pay)	Rs. 49599/-
Total salary/wages 1+2+3	Rs. 79299 PM
Salary/wages paid	Rs. 25000 PM
Hence less salary/wages paid	Rs. 54299/-

Worked for 25 months therefore $54,299 \times 25 = \text{Rs. } 1357475 + 24 \% \text{ interest on this amount per month.}$

4. It is thus averred by the petitioner that the respondents has wrongfully withheld the wages, which is against the provisions contained in the Act, the Industrial Disputes Act, 1947 and the various instructions issued by the Ministry of Labour & employment. The petitioner had served the respondent with utmost care and sincerity and as such his revised wages should not have been withheld. The petitioner thus prays that he be held entitled to arrears amounting to Rs. 13,57,475/- alongwith 24% interest.

5. While contesting the claim the respondent has *inter-alia* raised preliminary objections that the petition is not maintainable and the petitioner has concealed and suppressed material facts from this Court. He has not approached the Court with clean hands. There is no relationship of an employer and employee between the petitioner and the respondent and the appointment letter is false and fabricated. The petitioner was working as an admission consultant in Sri Sai College of Engineering and Technology at Pathankot (Punjab). He had left the college in November 2015. The petitioner had also filed a similar petition to extract money from the respondent before the Ld. Commissioner under the Act demanding salary for the month of December 2015 to March 2016. Since the petitioner had no cause of action he had withdrawn the same from the said Court. The present petition has been filed merely to harass and humiliate the respondent and to extract money from him. The petitioner himself was running two newspapers at the relevant time under the name and style of Himalya Ajkal and Himalya Ajtak having Shimla and Mandi Edition respectively. Since, the petitioner was running his own newspapers, therefore, the question of his employment with the respondent does not arise at all. The petition is also stated to be bad for non-joinder and mis-joinder of parties.

6. On merits too same and similar averments have been reiterated. It is the case of the respondent that the petitioner was working for Sri Sai College of Engineering and Technology at Pathankot (Punjab) as an admission consultant and he was never appointed as Chief Bureau by the respondent. The letter of appointment so annexed by the petitioner is wrong, false, forged and fabricated. There is no relationship of an employer and an employee between the petitioner and the respondent. Per the respondent, the petitioner was never appointed as Chief Bureau. It is thus prayed that the petition be dismissed being devoid of merits.

7. While filing rejoinder, the petitioner controverted the averments in the reply filed by respondent and further reiterated those in the statement of claim.

8. I notice that on 23.5.2018, the following issues came to be framed by my Learned Predecessor:

1. Whether the action of the employer/respondent for not paying claim of arrears amounting to Rs. 13,57,475/- to petitioner as difference of wages actually drawn and due as per recommendation of Majithia Wage Board constituted under section 9 & 13 (C) of the Working Journalists and Other Newspaper employees (Condition of service and Miscellaneous Provisions) Act, 1955 is illegal and unjustified as alleged? . . .*OPP.*
2. If Issue No.1 is proved in affirmative, to what amount of relief/arrear, alongwith interest etc., the petitioner is entitled? . . .*OPR.*
3. Whether the present petition is not maintainable, as alleged? . . .*OPR.*
4. Relief:

9. It however transpires from the record that after 19.12.2018, the respondent has failed to put in appearance before this Court, after his counsel had withdrawn the power of attorney. Therefore, fresh notices were issued to the respondent on a number of occasions but the respondent did not put in appearance. On 16.4.2017 registered AD notice and Dasti summons were also issued to the respondent. As per the tracking report issued by the postal authorities, the notices have been duly served and even otherwise the Dasti summons issued through the Counsel for the petitioner had been received with the report that the addressee had refused to take the registered letter. Consequently, the respondent was proceeded *ex-parte* on 15.7.2019. Even prior to this the

respondent has not cross-examined the witnesses of the petitioner and his right to do so was also closed by the orders of the Court *vide* a order dated 20.9.2018.

10. Having considered the pleadings, evidence and other attendant material placed on record, my findings on the issues framed are thus:—

Issue No. 1 Yes

Issue No. 2 Per operative part

Issue No. 3 No

Relief: Reference is answered in favour of the petitioner and against the respondent as per operative part of award.

REASONS FOR FINDINGS

Issues No. 1 & 2 :

11. Both these issues being correlated and intermingled are being taken up together for decision.

12. The respondent while contesting the claim has only filed a written statement. After 19.12.2018, the respondent has failed to put in appearance and eventually on 15.7.2019 was set *ex-parte*. The respondent has not even cross-examined the witnesses of the petitioner and his right to do so was also closed by the orders of the Court on 20.9.2018.

13. While contesting the claim of the petitioner, the respondent however, had taken a categorical stand that the petitioner was never appointed as Chief Bureau by the respondent. Letters so annexed are wrong, false, forged and fabricated and there exists no relationship of an employer and an employee between the petitioner and the respondent. The petitioner was further stated to have been working with one Sri Sai College of Engineering and Technology at Pathankot as an admission consultant.

14. The petitioner however while appearing as his own witness apart from stating in his affidavit that he was initially recruited as Chief Bureau by the respondent on 1st March 2014 was later on confirmed as such on 1.9.2014 and continued working as such. He has further sought the arrears of wages as revised pursuant to the recommendations of Majitia Wage Board. The petitioner has also placed on record his initial appointment letter dated 1.3.2014 as Mark P-1 (Ex. PW-2/A) and the confirmation letter dated 1.9.2014 as Mark P-2 (Ex. PW-2/B).

15. The petitioner has also examined one Shri Rakesh Kumar Sharma as PW-2 who was the Chief Operation Officer of the respondent, posted at Panchkula and Kharar offices from November 2012 to May 2016. As per this witness too, the petitioner was appointed as Chief Bureau, Himachal Pradesh and the appointment letter Ex. PW-2/A was issued by him and the services of the petitioner were regularized after the probation period. His salary was ₹ 25,000/- per month and the petitioner worked till April 2016.

16. The petitioner has also examined one Shri Avinash Gupta as PW-3 who was the Circulation Head at Panchkula and Kharar Office from July 2013 to July 2016. Even per this witness the petitioner has been working as Bureau Head Himachal Pradesh and was being paid

₹ 25000/- per month as salary. Per this witness he and the petitioner have not received their salaries as per the recommendations of Majithia Wage Board.

17. The un-rebutted evidence discussed hereinabove in no one certain terms show that the petitioner was working as a Chief Bureau with the respondent. Nothing to the contrary has been proved on record by the respondent. The oral and the documentary evidence on record thus clearly goes to show that the petitioner was indeed working as Chief Bureau with the respondent. The plea raised to the contrary has to fail, more particularly in view of the evidence led by the petitioner and discussed hereinabove.

18. Now, adverting to the question as to whether the petitioner was entitled to the revised wages as per the recommendations of the Majithia Wage Board. As is clear from the narration hereinabove, the petitioner had been working as Chief Bureau till April 2016 and the salary being paid to the petitioner was ₹ 25000/- per month. The recommendations of the Majithia Wage Board were accepted by the Government of India on 25.10.2011 and came to be notified by the Ministry of Labour & Employment Government of India on 11.11.2011. It come to be notified subject to the decision of the Hon'ble Supreme Court in writ petition No. **246 of 2011 titled as ABP News Pvt. Ltd. and another Vs. Union of India and another [(2014) 3 SCC 327]**, The aforesaid judgment come to be finally decided on 7.2.2014. The Hon'ble Supreme Court while upholding the recommendations of the Majithia Wage Board as valid in law held that the wages as revised/determined shall be payable from 11.11.2011 when the Government of India notified the recommendations of Majithia Wage Board. All the arrears up to March 2014 were to be paid to all eligible persons in four equal installments within a period of one year from the judgment *i.e.* 7.2.2014 and the Newspaper establishments were further directed to pay the revised wages from April 2014 onwards.

19. The recommendations of the Majithia Wage Board thus have attained finality as per the directions issued by the Hon'ble Supreme Court in the judgment referred hereinabove supra. The revised wages were payable from April 2014 onwards. The notification so issued on 11.11.2011 has divided the employees in various groups *vide* Schedule-1 A (grouping working journalists in newspaper establishment) and the Functional definition of the Working Journalists have further been reflected in Schedule 1-B. The classification of Newspaper Establishment Agencies has further been made as per their gross revenue as per Clause V of the recommendations.

20. The newspaper employees have been defined as per clause II (6) as under: **“Newspaper employees” means working journalists or non-journalist newspaper employees, or both.**

21. The grouping of working journalists in Newspaper Establishments have been made in Schedule IV-A while the functional definition have been made in Schedule IV-B. The Chief a State Bureau falls in group-2, thereof.

22. Further the classification of the news operations have been reflected in clause-5 which reads thus:

“5. Classification of news agency.—News agencies shall be classified under the following classes on the basis of their gross revenue as per paragraph 3 of this chapter.

Class	Gross revenue
I	Rupees sixty crore and above
II	Rupees 30 crore and above but less than Rupees sixty crore.
III	Rupees ten crore and above but less than Rupees thirty crore.
IV	Less than Rs. 10 crore.

Note:—Foreign newspaper establishment, *i.e.* those operating in India with their Principal Office outside India, shall be treated as Class-1 news agencies.”

23. The Concept of variable pay has been introduced by the Majithia Wage Board as per clause-9 which reads thus:

“The concept of variable pay has been introduced, which aims to achieve twin objectives as stated below:—

- a. The Sixth Pay Commission had recommended the concept of grade pay and the same was agreed to by the Government for implementation. On similar analogy the concept of variable pay needs to be introduced for all the employees working in newspaper establishments and news agencies. The variable pay will be the specified percentage of the basic pay drawn by an employee in the newspaper industry. All allowances, such as HRA, Transport Allowance and Leave Travel Allowance etc. will be computed by taking the sum total of the revised basic pay and the variable pay applicable to an employee.**
- b. Variable pay recommended by the Wage Boards would be the minimum maintainable for all employees including those working on contract basis and the management would be free to pay more than recommended variable pay subject to performance of the workers as well as profitability and viability of the newspaper establishments”.**

24. Dearness Allowance to be paid has also been reflected in Clause-11 which reads thus:

“(1) The revised rates of dearness allowance shall be paid according to average all-India Consumer Price Index Number for industrial worker (2001=100) compiled by Labour Bureau and will become operative with effect from 01-07-2010.

(2) Dearness Allowance shall be payable bi-annually with effect from 1st July and 1st January every year and shall be sanctioned as soon as the figures for the preceding 12 months, for which all-India average consumer price index for industrial workers (Base 2001=100) used for determining rate of dearness allowance, becomes available. Dearness allowance will become payable from the beginning of the month immediately succeeding the 12 month period for which All-India average index figures are used for determining rate of dearness allowance.

(3) The Rate of neutralization for determining Dearness Allowance payable Bi-annually on the basis of Consumer Price Index Number for Industrial Numbers would be 100 percent of basic pay for all groups of employees in newspaper establishments and will be calculated as per the formula in Table- IV.

(4) Rate of neutralization for calculating dearness allowance will be 100% vide Table- III.

Explanation.—for the purpose of this paragraph—The dearness allowance in respect of the period preceding the date of implementation of the Award shall be given at the existing rates”.

25. The petitioner in the written statement has claimed an amount of ₹ 13,57, 475/- as revised pay for twenty five months *i.e.* from 1.3.2014 when he was appointed till his resignation in April 2016. The calculation so made by the petitioner reflected in the statement of claim are thus:

“1. Basic Salary/Wages	Rs. 22,000/-
2. 35% Variable Pay	Rs. 7700/-
3. DA 167% (basic pay)	Rs. 49599/-
Total salary/wages 1+2+3	Rs. 79299/- PM
Salary/wages paid	Rs. 25000/- PM
Hence less salary/wages paid	Rs. 54299/-

Worked for 25 months therefore 54,299 x 25 = Rs. 1357475 + 24 % interest on this amount per month”.

26. The petitioner has also placed the calculations so made by him before the Labour Commissioner alongwith as Ex. PW-4/A and Ex. PW-4/B. The respondent in its wisdom has neither appeared after filling the reply nor led any evidence to show as to what is the revised wages the petitioner is entitled to, as per the Majithia Wage Board recommendation.

27. However, keeping in view the recommendations of the Majithia Wage Board and the Table-1 annexed alongwith report, holding the respondent to be a newspaper establishment falling in class-III of the classes of the newspaper agency, based on their gross revenue *i.e.* being an agency having gross revenue of ₹ 10 crore and above but less than ₹ 30 crore though no evidence has been led by the respondent to show its gross revenue.

28. The petitioner falls in group-II of the Working Journalists. The Chief of State Bureau has been categorized in Group-2, as per Schedule IV-A and IV-B. His scale of pay thus would be ₹ 13000-ARI-2.5%-21400. Since, the consolidated salary of the petitioner fixed by the respondent themselves *vide* Ex. PW-2/A was ₹ 25,000/- consolidated, the petitioner can safely be placed in the basic scale of ₹ 21,400/-. The variable pay payable as per Table-I to the report is 20% of the basic pay which in the present case comes to ₹ 4,280/-. The basic pay of the petitioner thus comes to ₹ 25,680/-.

29. The petitioner has sought DA @ 167%, though the respondent has not led any evidence nor pleaded anything to show as to what would be the DA payable. The DA as per the Clause-XI was to be calculated as per the formula inserted in Table-III. Since, there is no assistance from the respondent as to what would be the rate of DA payable, the calculation made by the petitioner in Ex. PW-4/B that the petitioner would be entitled to 167% DA is accepted. More particularly as the respondent has failed to contend or assist the Court by leading any

evidence as to what was payable. As per the recommendations of Majithia Wage Board, the DA thus comes out to ₹ 42,885/-. The salary of the petitioner as per the Majithia Wage Board recommendations thus come to ₹ 68585/-. The petitioner has already been received ₹ 25000/- per month as salary. The amount payable as arrears thus comes to ₹ 43585.0 (₹ 68585- ₹ 25000). The petitioner is thus entitled to receive revised salary of 24 months which comes to ₹ 43585 x 25 = ₹ 10,89,625/-. The calculations have been made on fixed variables, but as per the criteria fixed by the Majithia Wage Board, because the respondent otherwise should have worked it out as per the stipulations of the Majithia Wage Board, which they have failed to do. This Court is thus constrained to keep the variable fixed for the period claimed by the petitioner. The issue are thus decided accordingly.

Issue No. 3 :

30. Nothing has been urged nor anything has been brought to my notice as to how the petition is not maintainable. Therefore, keeping in view the reasons recorded in respect of issues No. 1 & 2, it cannot be said that the claim petition is not maintainable. The validity of the Majithia Wage Board already stands upheld by the Hon'ble Supreme Court in **ABP News Pvt. Ltd. and Anr. Vs. Union of India (2014) 3 SCC 327**. There is nothing on record to remotely suggest as to what was the material concealment resorted to by the petitioner and why there was no cause of action in favour of the petitioner. The issue is thus decided in favour of the petitioner and against the respondent.

Relief :

For the foregoing reasons discussed hereinabove *supra*, the reference is allowed. The respondent is directed to pay ₹ 10,89,625/- to the petitioner as arrears on account of difference of wages actually drawn and due as per recommendations of the Majithia Wage Board constituted under section 9&13 (C) of the Working Journalists and Other Newspaper employees (Condition of Service and Miscellaneous Provisions) Act, 1955 within a period of three months from the date of passing of the award failing which the same shall carry interest @ 9% per annum till its realization thereof. Let a copy of this award be sent to the appropriate government for publication in the official gazette. File, after completion, be consigned to records.

Announced in the open Court today this 16th day of October, 2019.

Sd/-
(CHIRAG BHANU SINGH),
Presiding Judge,
Industrial Tribunal-cum-Labour Court, Shimla.

IN THE COURT OF SHRI CHIRAG BHANU SINGH, PRESIDING JUDGE, H.P.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHIMLA.

Reference No.	63 of 2016
Instituted on	1-8-2016
Decided on	22-10-2019

Ranjeet Singh c/o Shri Anoop Kumar General Secretary, Himachal futuristic Communications Ltd., Mazdoor Sangh Chambaghat, Solan, H.P. Through, Sh. Bhardwaj President: HP-AITUC, HQ, Saprron, Solan, H.P. .Petitioner.

M/s Himachal Futuristic Communications Limited (wireline/wireless Division),
Electronics Complex, Chambaghat, Solan-173213, H.P. Through its Factory Manager
. Respondent.

Reference under section 10 of the Industrial Disputes Act

For petitioner : Shri J.C. Bhardwaj, AR

For respondent : Shri Rahul Mahajan, Advocate

AWARD

The following reference was received for adjudication from the appropriate government:

“Whether demand of General Secretary, Mazdoor Sangh Himachal Futuristic Communication Ltd. Chambaghat, Distt. Solan, H.P. vide demand notice dated 23-7-2014 raised before and to be full filled by the Factory Manager, M/s Himachal Futuristic Communication Ltd., Chambaghat, Distt. Solan, H.P. to pay Sh. Ranjeet Singh, the wages for the period from 26.11.2008 till 25.10.2010 and to allow him annual increment for the year, 2009 & 2010 along with promotion is legal and justified? If yes, what monetary relief and other service benefits the aggrieved workman is entitled to from the said management?”

2. In pursuance to the reference the union has averred in the statement of claim that the said Ranjeet Singh has been illegally transferred from Solan to Karnal, in gross derogation to the Certified Standing Orders of the respondent company. The workman had visited Karnal but could not find any such establishment, which fact had been duly communicated to the respondent company. The transfer of the petitioner was thus ordered merely to harass the said Ranjeet Singh.

3. The workman was illegally kept out of service for merely about two years *i.e.* from 26.11.2008 to 25.10.2010 and the same was done in the garb of the aforesaid illegal transfer. The union had thus raised a demand notice, based on the discrimination meted to the said workman and the union had also sought continuity and seniority in favour of the said workman.

4. Eventually, a settlement was arrived between the workers union and the management on 9.3.2011, and *vide* clause-2.3 of the settlement, it was agreed that the workman Ranjeet Singh shall be taken back on duty, while imposing some minor punishment. No doubt, the said workman was taken back in service but no back-wages had been given to the said workman. The union has thus sought an amount of Rs. 1,78,876/- to be paid as wages for the period with effect from 26.11.2008 to 25.10.2010 alongwith seniority and continuity. The wrongful deduction of the wages for the said period was also, thus stated to be wrong and against the mandate of Article of 14 & 16 of the Constitution of the India. The workers union thus prays that the worker Ranjeet Singh be allowed the aforesaid wages alongwith increments which have been illegally withheld by the respondent.

5. While contesting the claim the respondents have *inter-alia* raised preliminary objections that the claim is not maintainable as the petitioner has concealed true and material facts from this Court and have not approached it with clean hands. It is further averred that the Joint

Labour Commissioner could not have made this reference to the Court and hence it is not maintainable, on this count too.

6. On merits, it is the contention of the respondent that the workman Ranjeet Singh was transferred from Solan to Karnal as per the terms and conditions of the appointment letter and Certified Standing Orders of the company. It is denied that there was no establishment at Karnal. In fact, as per the respondent the workman had failed to join the new place of posting. Consequently, an enquiry was conducted *vide* chargesheet dated 10.2.2009, which also stands duly proved.

7. It is denied that the workman Ranjeet Singh was illegally kept out of service from 26.11.2008 to 25.10.2010. On the contrary it is averred by the respondent that the workman Ranjeet Singh was transferred *vide* letter dated 21.11.2008 from Chambaghat to Haryana *i.e* to the Project Office, Kothi No. 642, Sector-6, Karnal, Haryana. The workman failed to join at the transferred place. He was sent letters dated 8.12.2008, 9.12.2008, 12.1.2009 and 23.9.2009, but, he still failed to report for duty. The workman thus was unauthorizedly absent from 26.11.2008 and was eventually chargesheeted for the same on 10.2.2009.

8. The workman thereupon submitted an apology letter on 25.10.2010. The same was accepted and the workman Ranjeet Singh was reinstated in service with effect from 26.10.2010. In the letter dated 25.10.2010, it was clearly written that the petitioner will not be entitled for backwages from 26.11.2008 to 25.10.2010 and the workman Ranjeet Singh had accepted the same. The workman thus is estopped to raise the issue regarding non-payment of wages from 26.11.2008 to 25.10.2010. In the letter dated 25.10.2010, it had further been made clear that the absence of the petitioner during the said period will not be considered as break in service for future benefits. The workman had concealed these facts from the Court. The workman thereafter joined *w.e.f.* 25.10.2010 itself after accepting the terms and conditions of the appointment letter dated 14.12.1993.

9. It is also the contention of the respondent that the workman is also not entitled to any wages for the aforesaid period on the principles of "no work no pay". The issue pertaining to the arrears of wages is also stated to be an afterthought, having been raised after more than four years. It is denied that the respondent had breached any settlement inter se the parties. The respondent thus prays that the claim be dismissed being devoid of any merits.

10. While filing rejoinder, the petitioner controverted the averments in the reply filed by respondent and further reiterated those in the statement of claim.

11. I notice that on 14.3.2018, the following issues came to be framed by my Learned Predecessor:

1. Whether the demand raised by the petitioner union *vide* demand notice dated 23.7.2014 before and to be fulfilled by the respondent to pay Shri Ranjeet Singh the wages for the period from 26.11.2008 till 25.10.2010 and to allow him annual increment for the years 2009 and 2010 alongwith promotion is legal and justified as alleged? . . .*OPR.*
2. If Issue No.1 is proved in affirmative, to what monetary relief and other service benefits the aforesaid worker is entitled? . . .*OPR.*
3. Whether the claim petition is neither competent nor maintainable as alleged? . . .*OPR.*
4. Relief:

12. Having considered the pleadings, evidence and other attendant material placed on record, my findings on the issues framed are thus:—

Issue No. 1	Partly Yes
Issue No. 2	Entitled for two increments for the years 2009 and 2010
Issue No. 3	No.
Relief:	Reference is answered partly in favour of the petitioner and against the respondents per operative part of award.

REASONS FOR FINDINGS

Issues No. 1 & 2 :

13. Both these issues being correlated and intermingled are being taken up together for decision.

14. The petitioner in all fairness while appearing as PW-1 has admitted that he was transferred from Solan to Karnal *vide* Ex. R-1 and that he had failed to join despite reminders Ex. R-2 to Ex. R-6. He has admitted that thereafter he was chargesheeted *vide* Ex. R-7 and he even participated in the enquiry proceedings. He also admitted that he had written a letter to the respondent management *vide* Ex. R-8 and the respondents *vide* letter dated 25.10.2010 (Ex. R-9) reinstated him and consequently he had rejoined the respondents.

15. Though, PW-2 Anoop Kumar, the General Secretary of the workers union has placed on record a settlement Ex. PW-2/A, which happens to be a settlement, arrived interse the union and the management on 9.3.2011. There is undoubtedly a demand notice in respect of the said workman Ranjeet Singh (Clause 2.3), wherein it was mutually decided that the CEO of the company will take a final decision by awarding some minor punishment to said Ranjeet Singh and the said punishment shall acceptable to him. However, admittedly the said workman had already been re-engaged *w.e.f.* 26.10.2010 as is clear from Ex. R-9.

16. The petitioner himself having agreed not to press for the wages for the period he was under transfer *i.e.* *w.e.f.* 26.11.2008 till 25.10.2010 as is clear from Ex. R-9, cannot now turn around to claim the same. The respondents however had agreed not to consider the same as a break in service for all future benefits. In other words the petitioner was entitled only to seniority and continuity, but, no back-wages for the said interregnum. PW-2 has also agreed that the letter Ex. R-9 had been received by him on behalf of the union.

17. Even, as per the settlement arrived interse the management and the workers union *vide* Ex. PW-2/A, the CEO of the company was to take a final decision by awarding some minor punishment to Ranjeet Singh. Undoubtedly, before the settlement, the said worker Ranjeet Singh had already been reinstated and he had categorically agreed to the stipulations of the reinstatement. Admittedly, no action has been taken against the workman by awarding any minor punishment. The withholding of the wages for the period of absence had already been agreed to by the workman Ranjeet Singh and thereafter, he continued working with the respondent management. It further emerges from record that the petitioner has already been granted promotion in the year 2012. He has also been granted increments *w.e.f.* 2010 regularly.

18. There is nothing much which survives now in the case. However, the cross-examination of Shri G.S. Rana, Senior Administrative Officer of the company (RW-1) shows that the worker Ranjeet Singh has not been granted increments during 2008 and 2010. Since, the wages of the workman Ranjeet Singh has been withheld for which the workman has himself agreed, but seniority and continuity was still allowed to him, the respondent have to pay increments for the year 2009 and 2010, which apparently has not been done. It is thus clear that the said workman will not be entitled to wages for the said interregnum but certainly he is entitled for annual increments for the years 2009 and 2010 which had not been granted to the workman Ranjeet Singh.

19. Apart from this nothing much survives in the reference, hence, the issues are decided accordingly.

Issue No. 3 :

20. Nothing has been urged nor anything has been brought to my notice as to how the petition is neither competent nor maintainable. Therefore, keeping in view the reasons recorded in respect of issues No. 1 & 2 above, it cannot be said that the claim petition is neither competent nor maintainable. The issue is decided in favour of the petitioner and against the respondents.

Relief :

For the foregoing reasons discussed hereinabove *supra*, the reference is partly allowed. As a result the respondents are directed to grant two increments for the years 2009 and 2010 in favour of workman Ranjeet Singh which have not been granted to him, after his reinstatement. Let a copy of this award be sent to the appropriate government for publication in the official gazette. File, after completion, be consigned to records.

Announced in the open Court today this 22nd day of October, 2019.

Sd/-
(CHIRAG BHANU SINGH),
Presiding Judge,
Industrial Tribunal-cum-
Labour Court, Shimla.

**IN THE COURT OF SHRI CHIRAG BHANU SINGH, PRESIDING JUDGE, H.P.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHIMLA**

Reference No. 109 of 2018

Instituted on 2-6-2018

Decided on 22-10-2019

Manoj Kumar s/o Shri Ludan Ram r/o Village Dhenera, P.O. Kujji, Tehsil Pachhad,
District Sirmour, H.P. . *Petitioner.*

The Registrar, LLR Group of Institute, Village Jabli-Kyar, P.O. Oachghat, Tehsil and
District Solan, H.P. . *Respondent.*

Reference under section 10 of the Industrial Disputes Act

For petitioner : Shri Niranjana Verma, Advocate

For respondent : Shri Devinder Singh, Advocate Vice

Shri Navlesh Kumar, Advocate

AWARD

The following reference was received for adjudication from the appropriate government:

“Whether termination of services of Shri Manoj Kumar s/o Sh. Lodhan Ram, Village Dhaneta, P.O. Kujji, Tehsil Pachhad, Distt. Sirmaur, H.P. by the Registrar, LLR Group of Institute, Village Jabli- Kyar, P.O. Oachghat, Tehsil & Distt. Solan, H.P. w.e.f. 16.11.2016 without complying with the provisions of the Industrial disputes Act, 1947 is legal and justified? If not, what relief including reinstatement, amount of back wages, seniority, past service benefits and compensation the above ex-worker is entitled to from the above employer?”

2. The petitioner avers in the statement of claim that he was working with the respondent as a Lab. Attendant and drawing a monthly salary of ₹ 7066/-. He came to be appointed as such on 17.2.2009 and continued working as such till 21.10.2016. The petitioner had completed 240 days in each calendar year.

3. The petitioner was the office bearer/member of the LLR Institute Workers Union and the union had submitted a memorandum to the respondent management under section 12 (3) of the Industrial Disputes Act, 1947 (hereinafter to be referred as the Act) in the presence of Labour-cum-Conciliation Officer, Solan. The respondent did not adhere to the compromise arrived inter se the parties. Another compromise ensued on 1.11.2015 and thereupon a notice dated 1.8.2016 was submitted to the management to implement the agreement, but, to no avail.

4. On the contrary the services of the petitioner were terminated *w.e.f.* 21.10.2016, arbitrarily and that too without affording any opportunity of being heard. No notice or enquiry was ever conducted against the petitioner. The termination is thus stated to be illegal, void and against the mandatory provisions of the Act.

5. It is also the case of the petitioner that his wages for the month of October 2016, retrenchment compensation, gratuity, bonus and PF has also not been paid to the petitioner.

6. On 16.11.2016, the office bearers of the union were called by the respondent management for negotiations. The union had specifically submitted that the workers will not join as fresh hands, they may be deemed to be in continuous service from the date of their original joining. The respondent management refused to take the joining of the petitioner on the aforesaid terms, though, they were ready to give fresh employment to the petitioner and even the other workers.

7. It is thus prayed that the termination of the petitioner be set aside and quashed. He be reinstated with all consequential benefits including back-wages and seniority.

8. The respondent while contesting the claim have raised preliminary objections *vis-a-vis* maintainability, joinder of necessary parties, petitioner having concealed material facts, cause of action and the petitioner having no *locus-standi* to file the claim.

9. On merits, it is the case of the respondent that the petitioner had joined the respondent as Peon on 17.9.2017 and after three years, he had been appointed as a Lab. Attendant and his gross salary was ₹ 7066/- per month. It is denied that the respondent management did not adhere to the compromise dated 1.11.2015. It is also denied that any notice dated 1.8.2016 was served upon the respondent by the workers union. It is also denied that the respondent did not allow the petitioner to continue in the job and told him that he will be appointed as a fresh hand and no seniority will be given to him as alleged.

10. As per the respondent the real and true facts of the matter are that the petitioner and other workers of the respondent in connivance with the office bears of the illegally constituted workers union went on an illegal strike *w.e.f.* 13.10.2016. On account of the illegal strike the petitioner did not come back to join his duties. The respondent had issued various letters/reminders dated 13.10.2016, 14.10.2016, 15.10.2016, 17.10.2016, 18.10.2016, 19.10.2016, 20.10.2016, 26.10.2016 and 29.10.2016 to the petitioner and other workers who had went on illegal strike requesting them to join their duties but they failed to do so. The matter was also reported to the SHO Solan *vide* letter dated 20.10.2016 but the workers continued on strike. Ultimately, on 29.11.2016, a letter was issued to the petitioner and all other members of the union to receive their full and final dues, but, to no avail.

11. It is also the case of the respondent that as per the terms of compromise the respondent had re-engaged twelve workers and the dues of about forty workers had been paid to them. The petitioner himself left the services of the respondent by going on an illegal strike and despite various letters he failed to rejoin his duty.

12. It is denied that the respondent had refused to grant continuity in service to the petitioner. It is also denied that the services of the petitioner were terminated arbitrarily and without affording any opportunity of hearing. It is also denied that no notice was issued to him nor any enquiry was conducted. The letters sent to the petitioner clearly show that he had himself refused to come back and join his duties.

13. As per the respondent the petitioner is only entitled to an amount of ₹ 2765/- which is the gross salary for twelve days for October and also entitled to a sum of ₹ 14268/- as gratuity. The total amount being ₹ 17033/-. The respondent is ready to clear all the aforesaid dues. Over and above the petitioner is not entitled to any other claim. It is thus prayed that the claim be dismissed.

14. No rejoinder was filed. Based on the pleadings of the parties following issues had come to be framed on 7.1.2019.

1. Whether the termination of the services of the petitioner *w.e.f.* 16.11.2016 is in violation of the provisions of the Industrial Disputes Act, 1947 as alleged? If so, its effect there to? ..OPP.
2. Whether the claim is not maintainable, as alleged? If so, its effect there to? ..OPR.
3. Whether the petition is bad for non-joinder of necessary parties, as alleged? If so, its effect there to? ..OPR.
4. Whether the petitioner had not approached this court with clean hands and has suppressed material and true fact, as alleged? If so, its effect there to? ..OPR.
5. Relief:

15. Having considered the pleadings, evidence and other attendant material placed on record, my findings on the issues framed are thus:—

Issue No. 1 :	Yes. Entitled to reinstatement with seniority and continuity but without any back-wages.
Issue No. 2 :	No
Issue No. 3 :	No
Issue No. 4 :	No
Relief :	Reference partly answered in favour of the petitioner and against the respondent per operative part of award.

REASONS FOR FINDINGS

Issue No. 1 :

16. The petitioner claims illegal retrenchment whereas per the respondents the petitioner had himself left the service and despite various notices/letters had failed to join his duties. Per them, the petitioner himself had abandoned the job.

17. It is also the contention of the respondents that the workers had gone on an illegal strike on 13.10.2016 and despite various communications the workers failed to report for duty. On 29.11.2016, the petitioner and other workers had been asked to resume the work or receive their final dues, but to no avail.

18. The petitioner while appearing as his own witness has deposed that his services were terminated *w.e.f.* 21.10.2016 and no retrenchment compensation was paid to him. During the course of conciliation a compromise had been arrived between the parties but the same was not adhered to by the respondent. When he approached the respondents, they had asked him to join as a fresh hand.

19. The respondents have examined one Adil Shah, HR Manager. He deposed that the workers had gone on strike and since 13.10.2016, various letters were sent to them to resume work. Eventually, on 29.11.2016, the workers were asked to resume work or take their full & final payment in lieu thereof. He has placed on record the said letters being Ex. RW-1/B to Ex. RW-1/G. As per this witness, twelve workers had been re-engaged and the rest had been paid their full & final dues. The petitioner was also asked to rejoin but he did not do so. He has placed on record a letter dated 26.4.2019, *vide* Ex. RW-1/H.

20. In his cross-examination, RW-1 has however agreed that only a letter dated 26.4.2019 was sent to the petitioner by name. The earlier letters has been sent to the workers collectively asking them to resume work. He has admitted that no notice or domestic enquiry was ever conducted against the petitioner. He also admitted that the petitioner had never resigned from his job.

21. This is but all what has been deposed by both sides. The letters Ex. RW-1/B to Ex. RW-1/G are notices which have been sent to the workmen collectively to resume work. It does show that the workforce was on strike. There is no evidence on record that the strike was illegal or it had resulted in a lock-out by the respondent. The deposition of RW-1 shows that

about twelve workers had been re-engaged after the strike came to an end and the rest had been paid their full & final dues.

22. The respondents have alleged that the petitioner had abandoned the job of his own. He had failed to join duties despite various notice/letters. The letters Ex. RW-1/B to Ex. RW-1/G were all issued collectively. It was apparently done to ask the workforce on strike to resume job. There is nothing on record to remotely suggest that any action worth the name was taken regarding unauthorized absence, *vis-a-vis* the petitioner. Nor there is anything to remotely suggest that steps were taken to show abandonment, on the behest of the petitioner. By now it is fairly well settled that the abandonment is a plea of facts. It has to be proved before the Court. There is no evidence led in this behalf by the respondents. Strangely, there is even no evidence to remotely show that the strike was or had been declared illegal or the respondents had resorted to a lock-out. In case of a lock-out or an illegal strike, the respondents could have resorted to legal means of showing the door to the workforce.

23. The respondents having failed to prove any of the situation mentioned hereinabove, it has to be presumed that the termination was nothing but “retrenchment”. Admittedly, no notice or retrenchment compensation has been paid to the petitioner. The action of the respondent thus has to fail. The termination has to be held to be illegal and void. Even assuming the strike was illegal, the respondents had to terminate the services of the petitioner as per law. Even, in case of abandonment the petitioner could not have been condemned un-heard. Some notice or enquiry had to be conducted. However, nothing was done. In the alternative the respondent could have resorted to the statutory provisions of section 25-F of the Act while dispensing with the services of the petitioner. Even, the same was also not done. The action of the respondents in terminating the services of the petitioner thus is illegal. Even otherwise as per the own version of the respondents, twelve workmen have already been allowed to resume work, while the rest were paid their full & final dues. The offer to the petitioner to re-join also come too late in the day *i.e.* on 26.4.2019 *vide* Ex. RW-1/H. It cannot be presumed to be a notice *vis-à-vis* abandonment.

24. For all the reasons discussed hereinabove *supra*, the action of the respondent in terminating the services of the petitioner *w.e.f.* 16.11.2011, is held to be bad in the eyes of law. The same is accordingly set aside and quashed. The respondents are directed to reengage the petitioner forthwith. He shall be entitled to seniority and continuity. Keeping in view the peculiar facts and circumstances of the case narrated hereinabove, the petitioner shall however, not be entitled to any backwages. The issue is decided accordingly.

Issues No. 2 to 4 :

25. All these issues being correlated and intermingled are being taken up together for decision.

26. Nothing has been urged nor has anything been brought to my notice as to how the claim is not maintainable or is bad for non-joinder of necessary parties and the petitioner had suppressed material facts. In view of the findings recorded against issue No. 1, it is more than apparent that the claim was indeed maintainable and petition was also not bad for non-joinder of necessary parties. It cannot also be said that the petitioner has concealed material facts from this Court. The issues are thus decided in favour of the petitioner and against the respondent.

Relief:

For the foregoing reasons discussed hereinabove *supra*, the reference is answered partly in favour of the petitioner and against the respondents. The respondents are directed to re-

engage the petitioner forthwith. He shall be entitled to seniority and continuity. Keeping in view the peculiar facts and circumstances of the case the petitioner shall however not be entitled to any backwages. Let a copy of this award be sent to the appropriate government for publication in the official gazette and for further necessary action. File, after completion, be consigned to records.

Announced in the open Court today this 22nd day of October, 2019.

Sd/-
(CHIRAG BHANU SINGH),
Presiding Judge,
Industrial Tribunal-cum-
Labour Court, Shimla.

**IN THE COURT OF SHRI CHIRAG BHANU SINGH, PRESIDING JUDGE, H.P.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHIMLA**

Reference No.	67 of 2017
Instituted on	1-5-2017
Decided on	17-10-2019

Aman Thakur s/o Shri Sudhir Kumar r/o Village Goro, P.O. Shoghi, District Shimla, H.P.
171219 . *Petitioner.*

M.D. Kailash Print Media Pvt. Ltd., Village Sasan, P.O. Jhanyari Devi, Near Government
High School Sasan, Tehsil and District Hamirpur, HP. . *Respondent.*

Reference under section 10 of the Industrial Disputes Act

For petitioner : Shri Hardeep Verma, Advocate

For respondent : Ms. Shalu Sharma, Advocate

AWARD

The following reference was received for adjudication from the appropriate government:—

“Whether the action of the employers M/s M.D. Kailash Print Media (P) Ltd., Village Sasan, P.O. Jhanyari Devi, Near Govt. High School Sason, Tehsil and Distt. Hamirpur, H.P.-177001, H.P. for not paying claim of arrears amounting to Rs. 1,22,250/- (Rs. One Lakh twenty two thousand two hundred fifty only) Shri Aman Thakur s/o Shri Sudheer Kumar, Village Goro, P.O. Shoghi, Distt. Shimla, H.P. as difference of wages actually drawn and due as per recommendation of Majithia Wage Boards (copy of claim enclosed) constituted under Section 9 & 13(C) of the Working Journalists and Other Newspaper Employees (Condition of Services and Miscellaneous Provisions Act, 1955) is legal and justified? If yes, to what amount of relief/arrear, along with interest etc. the aggrieved employee is entitled is to from the above employers/management?”

2. In pursuance to the reference, in short, it is the case of the petitioner that he has not been paid the entire arrears of his salary amounting to ₹ 1,22,250/- and the same may be paid to him alongwith interest and the respondent be directed to release his EPF and ESI too.

3. The petitioner having been appointed as a Marketing and media Executive on 1.5.2015 on a consolidated salary of ₹ 15,000/-, which too was not paid on time after March 2016 till September, 2016, when he had resigned from his job. He had not been paid his salary and hence the claim.

4. It transpires that during the course of conciliation before the Labour Officer and amount of ₹ 60,982/- had been paid by the respondent through cheque but the balance amount had not been paid till date. The petitioner thus prays that the balance amount of ₹ 61,268/- be paid to him. The petitioner also prays that an amount of ₹20,277.50 which is the share/contribution of the respondent towards the EPF account of the petitioner, be also paid to him.

5. While contesting the claim it is averred by the respondent that the petitioner was appointed as a Marketing and Media Executive on 1.5.2015 on a fixed salary of ₹ 15,000/-, per month and his business targets for the first month was fixed five times of his salary i.e ₹ 90,000/- and after that period his business target was ₹ 1,50,000/- per month. As per the appointment letter the petitioner was duty bound to complete his business targets but he never completed his targets yet he had been paid full salary after deduction of the EPF and TA etc. Though, he was entitled for salary on pro-rata basis.

6. It is further the case of the respondent that this Court has no jurisdiction regarding EPF and an amount of ₹ 60,982/- stand paid and an amount of ₹ 18000/- against the AP Goel University and ₹ 2294/- against Classified Advertisement had been deducted after final statement of account of the petitioner as he had failed to deposit the amount in the company's account and as such nothing remains to be paid to the petitioner.

7. While filing rejoinder, the petitioner controverted the averments in the reply filed by respondent and further reiterated those in the statement of claim.

8. I notice that on 12.4.2018, the following issues came to be framed by my Learned Predecessor:

1. Whether the action of the employer/respondent for not paying claim of arrears amounting to ₹1,22,250/- to petitioner as difference of wages actually drawn and due as per recommendation of Majithia Wage Boards constituted under sections 9 & 13 (C) of the Working Journalists and Other Newspaper Employees (Condition of Service and Miscellaneous Provisions Act, 1955) is illegal and unjustified as alleged?
..OPP.

2. If Issue No. 1 is proved in affirmative, to what amount of relief/arrears, alongwith interest etc. the petitioner is entitled to?
..OPP.

3. Relief:

9. Having considered the pleadings, evidence and other attendant material placed on record, my findings on the issues framed are thus:—

Issue No. 1 : Partly yes

Issue No. 2 : As per operative part

Relief : Reference is answered partly in favour of the petitioner and against the respondent per operative part of award.

REASONS FOR FINDINGS

Issues No. 1 & 2 :

10. Both these issues being correlated and intermingled are being taken uptogether for decision.

11. In fact, the dispute raised by the petitioner does not in any way relates to the payment of revised wages as per the recommendations of Majithia Wage Board. In pith and substance it is the case of the petitioner that he has not been paid his salary from March to September 2016. He had been repeatedly asking the respondent for his salary after March 2016 and since the respondent did not release his salary he was constrained to resign on 31.8.2016 *w.e.f.* 30.9.2019. It is further the case of the petitioner that the respondent did not pay their share of the EPF amounting to ₹ 20,277.50 and they have also illegally deducted an amount of ₹ 20,294/- (₹ 18,000 + ₹ 2294) on account of dues unpaid by the APG University and Classified Adds.

12. It is also primarily the pleaded case of the petitioner and what has been averred by him in his affidavit Ex. PW-2/A. Admittedly, the petitioner has worked till September 2016 with the respondent. It is also apparent that the petitioner was appointed on a consolidated salary of ₹ 15,000/- as is clear from mark P-1, on record which happens to be the appointment letter of the petitioner. Though, the respondent proclaims that the petitioner was appointed and was to be paid on pro-rata basis, *i.e.* as per the business provided by the petitioner, but, it is not discernible from any of the appointment letters on record. One e-mail in this behalf written by one Shri Sushil Kumar Sharma has been placed on record, but, it has neither been proved nor has any relevance to the stipulation purportedly agreed by the petitioner during the course of his interview for the said post. It has not been incorporated in the appointment letter Mark P-1. The petitioner thus shall be liable to be paid salary as per the conditions incorporated in the appointment letter.

13. Admittedly, the salary from March to September 2016 had not been paid to the petitioner and in this behalf an amount of ₹ 60,982/- was paid by the respondent during the conciliation proceedings. It however transpires that the respondent had with-held an amount of ₹ 20,294/- from arrears of salary on account of dues unpaid by the APG University and the Classified Advertisement. The said amount had been with-held by the respondent, but, the evidence on record shows that the amount so deducted has already been recovered by the respondent from the APG University. RW-1 Shri Arun Gautam has clearly deposed so in his testimony. The conjoint reading of the testimony of RW-1 Shri Arun Gautam and RW-2 Shri Vinod Thakur shows that even the EPF contribution for 5-6 months had been deposited on 10th of July by the respondent and as such due to the delayed payments the contribution paid by the respondent was not fully released in favour of the petitioner.

14. It is thus abundantly clear that if nothing else the petitioner was and is entitled to ₹ 22,994/- which had been wrongly deducted by the respondent from the pay arrears of the petitioner, more so, when the amount has already been recovered by the respondent. It is also not the case that the aforesaid amount never came to be recovered from APG University. Even otherwise since the petitioner had been appointed on consolidated salary of ₹ 15,000/-, oblivious

of the non-receipt of the aforesaid amount too, the petitioner at least had to be paid the salary due and payable till his resignation. The issues are thus decided accordingly.

Relief:

For the foregoing reasons discussed hereinabove *supra*, the reference is partly allowed. It is directed that the respondent shall pay an amount of ₹ 20,292/- to the petitioner within a period of 45 days failing which the respondent shall be liable to pay interest @ 9 % per annum till the realization of the aforesaid amount. The respondent shall also pay an amount of ₹ 25,000/- as lump sum compensation and costs of litigation. The balance EPF amount, if any, can be sought by the petitioner from Employees Provident Fund. Let a copy of this award be sent to the appropriate government for publication in the official gazette. File, after completion, be consigned to records.

Announced in the open Court today this 17th day of October, 2019.

Sd/-
(CHIRAG BHANU SINGH),
Presiding Judge,
Industrial Tribunal-cum-
Labour Court, Shimla.

Akshay Kumar

V/s

M/s Dramic Battery Separators India (P) Ltd.

17-10-2019

Present: None for petitioner.
Sh. Prateek Kumar, Ld. Csl. for respondent.

Claim not filed despite many opportunities. The petitioner had put in appearance on 14.08.2019. Time was granted to the petitioner to file statement of claim on 19.09.2019. None appeared on that date. Still another opportunity was afforded to the petitioner to file statement of claim. Even today no statement of claim has been filed. Infact none is present. It thus seems that the Industrial Dispute under reference is no longer in existence and the petitioner is not interested to prosecute the lis any further. The reference is thus dismissed as not having been pressed, at this stage. Disposed off accordingly. Let a copy of this order be sent to the appropriate government for publication in the official gazette.

Announced
17-10-2019.

Sd/-
(CHIRAG BHANU SINGH),
Presiding Judge,
Labour Court, Shimla.

16-10-2019.

Present : Petitioner in person with Shri Anil Thakur, Advocate
Shri Jagan Nath, Advocate for respondent

The learned counsel for the parties submits that the matter has been amicably settled and the respondent shall assist the petitioner in processing her claim for the Provident Fund. The petitioner thus does not intend to press the reference any further. The learned counsel for the respondent has also assured that all possible steps would be taken to assist the petitioner in processing her case for the release of her provident fund and in all probabilities the provident fund will be got settled at the earliest. Separate statement of the petitioner has been recorded and placed on the file.

In view of the aforesaid circumstances, the reference is dismissed as having been withdrawn. None the less, the respondent is directed to take steps to get the provident fund contribution of the petitioner released at the earliest. Steps, if any, is required to be initiated shall be taken within one month. The reference is disposed off in the aforesaid terms. Let a copy of this order be sent to the appropriate government for publication in the official gazette. File, after completion, be consigned to records.

Announced:
16-10-2019

Sd/-
(CHIRAG BHANU SINGH),
Presiding Judge,
Labour Court, Shimla.

Sh. Ankush

V/s

H.P. State Co-operative Bank Limited, Nahan

05-10-2019

Present: None for petitioner
Sh. Jagat Shyam, Ld. Csl. for respondent

Despite 4 opportunities, none has ever put in appearance on behalf of the petitioner. As per the tracking report of the postal department the notices stands delivered. The petitioner thus has been duly served for today. However even today none has put in appearance on behalf of the petitioner. It thus seems that the Industrial Dispute under reference is no longer in existence and the petitioner is not interested to prosecute the lis any further. It has ceased to exist. The reference is thus dismissed as not having been pressed, at this stage. Disposed off accordingly. Let a copy of this order be sent to the appropriate government for publication in the official gazette.

Announced
05-10-2019.

Sd/-
(CHIRAG BHANU SINGH),
Presiding Judge,
Labour Court, Shimla.

Sh. Ankit Kumar

V/s

H.P. State Co-operative Bank Limited, Nahan

05-10-2019

Present: None for petitioner
Sh. Jagat Shyam, Ld. Csl. for respondent

Despite 4 opportunities, none has ever put in appearance on behalf of the petitioner. As per the tracking report of the postal department the notices stands delivered. The petitioner thus has been duly served for today. However even today none has put in appearance on behalf of the petitioner. It thus seems that the Industrial Dispute under reference is no longer in existence and the petitioner is not interested to prosecute the lis any further. It has ceased to exist. The reference is thus dismissed as not having been pressed, at this stage. Disposed off accordingly. Let a copy of this order be sent to the appropriate government for publication in the official gazette.

Announced
05-10-2019.

Sd/-
(CHIRAG BHANU SINGH),
Presiding Judge,
Labour Court, Shimla.

Sh. Lakshaman Dass

V/s

M/s Patel Engineering Ltd.

14-10-2019

Present: None for petitioner.
Sh. Naresh Sharma, Ld. Csl. for respondent.

Notices issued to the petitioner have not been received back after services. As per the tracking report of the postal department the notices stand delivered. The petitioner thus has been duly served for today. However, none has put in appearance on behalf of the petitioner. It thus seems that the Industrial Dispute under reference is no longer in existence and the petitioner is not interested to prosecute the lis any further. The reference is thus dismissed as not having been pressed, at this stage. Disposed off accordingly. Let a copy of this order be sent to the appropriate government for publication in the official gazette. Be consigned to records after completion.

Announced
14-10-2019.

Sd/-
(CHIRAG BHANU SINGH),
Presiding Judge,
Labour Court, Shimla.

Ajay Kumar

V/s

M/s Patel Engineering Ltd.

03-10-2019

Present: None for petitioner.
Sh. Naresh Sharma, Ld. Csl. for respondent.

Despite repeated endeavours the petitioner has not put in appearance, though duly served. Even on 18.07.2019 the petitioner had been ordered to serve again, through registered post and tracking report was also sought. As per the tracking report submitted by the postal authority the notices stands duly served on 20.8.2019. The petitioner did not appear even on 06.09.2019. He is not present even today. It seems the dispute so raised by the petitioner has lost relevance and it does not subsist. The reference is thus dismissed as having not been pressed, at this stage. Disposed off accordingly. Let a copy of this order be sent to the appropriate government for publication in the official gazette.

Announced
03-10-2019.

Sd/-
(CHIRAG BHANU SINGH),
Presiding Judge,
Labour Court, Shimla.

Vijay

V/s

M/s Renvo Enterprises & Anr.

03-10-2019

Present: None for petitioner
None for respondent No. 1
Ms. Vandana, Ld. vice Csl. for respondent No-2

Despite repeated endeavours the petitioner has not put in appearance, though duly served. Even on 02.07.2019 the petitioner had been ordered to serve again, through registered post and tracking report was also sought. As per the tracking report submitted by the postal authority the notices stands duly served on 19.08.2019. The petitioner, however did not appear even today. It seems the dispute so raised by the petitioner has lost relevance and it does not subsist. The reference is thus dismissed as having not been pressed, at this stage. Disposed off accordingly. Let a copy of this order be sent to the appropriate government for publication in the official gazette.

Announced
03-10-2019.

Sd/-
(CHIRAG BHANU SINGH),
Presiding Judge,
Labour Court, Shimla.

आबकारी एवं कराधान विभाग**आदेश सं. 01/2018—राज्य कर**

शिमला-2, 11 दिसम्बर, 2018

सं0 ई.एक्स.एन.-एफ.(10)-41/2017.—हिमाचल प्रदेश माल और सेवा कर अधिनियम, 2017 (2017 का 10) (जिसे इस आदेश में इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 44 की उपधारा (1) यह उपबंधित करती है कि इनपुट सेवा वितरक से भिन्न, प्रत्येक रजिस्ट्रीकृत व्यक्ति, धारा 51 या 52 के अधीन कर संदत्त करने वाले व्यक्ति, आकस्मिक कराधेय व्यक्ति और अनिवासी कराधेय व्यक्ति, ऐसे वित्तीय वर्ष की समाप्ति पर 31 दिसम्बर को या उसके पहले ऐसे प्ररूप और ऐसी रीति में जो विहित की जाए, इलैक्ट्रानिक रूप में प्रत्येक वित्तीय वर्ष के लिए वार्षिक विवरणी प्रस्तुत करेगा;

और उक्त अधिनियम की धारा 44 की उपधारा (1) में यथा निर्दिष्ट प्रत्येक वित्तीय वर्ष के लिए वार्षिक विवरण प्रस्तुत करने के प्रयोजन के लिए उन्नत प्रक्रम पर इलैक्ट्रानिक प्रणाली विकसित की जानी और 31 जनवरी, 2019 तक प्रचालित की जानी थी जिसके परिणामस्वरूप, उक्त उपधारा (1) में यथानिर्दिष्ट रजिस्ट्रीकृत व्यक्ति द्वारा 1 जुलाई, 2017 से 31 मार्च, 2018 तक की अवधि के लिए उक्त वार्षिक विवरणी प्रस्तुत नहीं की जा सकी थी और इसके कारण उक्त धारा के उपबन्धों को प्रभावी करने में कतिपय कठिनाइयां उत्पन्न हुई हैं;

अतः अब हिमाचल प्रदेश के राज्यपाल हिमाचल प्रदेश माल और सेवा कर अधिनियम, 2017 की धारा 172 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, परिषद् की सिफारिशों पर, कठिनाइयों को दूर करने के लिए, निम्नलिखित आदेश करते हैं, अर्थात्:-

1. **संक्षिप्त नाम.**—इस आदेश का संक्षिप्त नाम हिमाचल प्रदेश माल और सेवा कर (कठिनाइयों को दूर करना) आदेश, 2018 है।

2. हिमाचल प्रदेश माल और सेवा कर अधिनियम, 2017 की धारा 44 में उपधारा (2) के पश्चात् निम्नलिखित स्पष्टीकरण अन्तःस्थापित किया जाएगा, अर्थात्:-

“स्पष्टीकरण.—इस धारा के प्रयोजन के लिए यह घोषणा की जाती है कि 1 जुलाई, 2017 से 31 मार्च, 2018 की अवधि के लिए वार्षिक विवरणी 31 मार्च, 2019 को या उसके पहले प्रस्तुत की जा सकेगी”

आदेश द्वारा,
हस्ताक्षरित/—
प्रधान सचिव (आबकारी एवं कराधान)।

टिप्पण.—इस आदेश का अंग्रेजी पाठ हिमाचल प्रदेश के राजपत्र में तारीख 14 दिसम्बर, 2018 को पृष्ठ 6662 से 6663 पर प्रकाशित किया गया था।

आबकारी एवं कराधान विभाग**अधिसूचना सं. 11/2018—राज्य कर (दर)**

शिमला-2, 26 मई, 2018

सं0ई.एक्स.एन.-एफ.(10)-33/2017.—हिमाचल प्रदेश माल और सेवा कर अधिनियम, 2017 (2017 का 10) की धारा 9 की उपधारा (3) के तहत प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश,

परिषद् की सिफारिशों के आधार पर, एतद्वारा, अधिसूचना सं० 4/2017-राज्य कर (दर) तारीख 30 जून, 2017 जिसे राजपत्र, हिमाचल प्रदेश में सं० ई.एक्स.एन.-एफ.(10)-14/2017-लूज़ के तहत तारीख 30 जून, 2017 को प्रकाशित किया गया था, में और आगे भी निम्नलिखित संशोधन करते हैं, यथा:-

उक्त अधिसूचना में, क्रम संख्या 6 और उससे सम्बन्धित प्रविष्टियों के पश्चात् निम्नलिखित क्रम संख्या और प्रविष्टियों को अंतःस्थापित किया जाएगा:-

सारणी

क्र० सं०	टैरिफ मद, उप-शीर्ष, शीर्ष या अध्याय	माल का विवरण	माल का आपूर्तिकर्ता	माल का प्राप्तिकर्ता
1	2	3	4	5
7.	कोई भी अध्याय	प्रायर्टी सेक्टर लेंडिंग सर्टीफिकेट	कोई भी पंजीकृत व्यक्ति	कोई भी पंजीकृत व्यक्ति

आदेश द्वारा,
हस्ताक्षरित/-
प्रधान सचिव (आबकारी एवं कराधान)।

टिप्पण 1.—प्रधान अधिसूचना सं० 4/2017-राज्य कर (दर) तारीख 30 जून, 2017 राजपत्र, हिमाचल प्रदेश में सं० ई.एक्स.एन.-एफ.(10)-14/2017-लूज़ के तहत तारीख 30 जून, 2017 को प्रकाशित की गई थी और अधिसूचना सं० 36/2017-राज्य कर (दर) तारीख 15 नवम्बर, 2017 जिसे राजपत्र, हिमाचल प्रदेश में सं० ई.एक्स.एन.-एफ.(10)-39/2017 के तहत तारीख 18 नवम्बर, 2017 को प्रकाशित की गई थी के द्वारा संशोधित की गई थी, जो अधिसूचना सं० 43/2017-राज्य कर (दर) तारीख 15 नवम्बर, 2017 जिसे राजपत्र, हिमाचल प्रदेश में सं० ई.एक्स.एन.-एफ.(10)-20/2016-वॉल-1 के तहत तारीख 18 नवम्बर, 2017 को प्रकाशित किया गया था, के द्वारा अंतिम बार संशोधित की गई थी।

टिप्पण 2.—इस अधिसूचना का अंग्रेजी पाठ हिमाचल प्रदेश के राजपत्र में तारीख 28 मई, 2018 को पृष्ठ 1941 से 1942 पर प्रकाशित किया गया था।

FORESTS DEPARTMENT

NOTIFICATION

Shimla-2, the 21st January, 2020

No. FFE-B-F(2)6/2019.—In continuation of this department notification number FFE-B-F(10)5/2017 dated 27th July, 2018, the Governor, Himachal Pradesh is pleased to amend the policy regarding collection and removal of Chil Pine (*Pinus roxburghii*) Needles from forest areas and also providing investment subsidy for setting up of Pine Needles based Industries as under with immediate effect:—

AMENDMENT

Amendment in para 2 of Point No. 5.—The text “The Infrastructure, machinery and equipment cost in respect of proposals moved for setting up of pine needle based industries shall be validated by the Industries Department and” stands as deleted.

Amendment in sub-para (ii) of para 3 of Point No. 5.—The existing provision shall be substituted as under:—

“The DFO may process these applications directly and shall be authorized to verify the tentative cost on account of capital investment for the purpose of disbursement of subsidy. He shall forward these applications to the concerned Chief Conservator of Forests/ Conservator of Forests. No Single Window Clearance shall be needed for such small units having capital investment cost upto ₹ fifty lakhs. For those units having capital investment cost more than ₹ Fifty lakhs, Single Window Clearance would be required in addition to validation of the project cost by the concerned GM, DIC of the Industries Department.

By order,

Sd/-

RAM SUBHAG SINGH,
Addl. Chief Secretary (Forests).

ENVIRONMENT, SCIENCE & TECHNOLOGY DEPARTMENT

NOTIFICATION

Shimla-2, the 24th January, 2020

No. STE-F-(9)-1/2018-loose.—WHEREAS, the Government of Himachal Pradesh *vide* this Department Notification No. STE-F-(9)-1/2018 dated 20-09-2019 has imposed a complete ban on plastic cutlery such as spoons, bowls, katories, stirring sticks, forks, knives, straws made of plastic. This ban will be made effective after 3 months of date of publication of this notification in Rajpatra (e-Gazettee). The notification was published in Rajpatra on dated 25-10-2019 and now the ban shall come in force *w.e.f.* 26-01-2020.

AND WHEREAS, after issuance of this Notification, the Action Alliance for Recycling Beverage Cartons (AARC) represented to the Government of Himachal Pradesh to exempt integrated straws attached with tetra pack of beverages and keep it out of the purview of ban imposed *vide* notification dated 20-09-2019.

NOW, THEREFORE, keeping in view of above submissions, the Governor, Himachal Pradesh is pleased to exempt the use of integrated plastic straws attached with tetra pack of beverages temporarily, for a period of 6 months, subject to implementation of Action Plan submitted by M/s Tetra Pack India Pvt. Ltd., AARC under Extended Producer Responsibility. During the relaxation period, the manufacturers/producers shall come out with an alternative to plastic straw, which is bio-degradable. All other loose straws shall remain banned and other provisions as contained in the aforesaid notification dated 20-09-2019 shall remain unchanged. This notification shall come into the force with immediate effect from the date of issuance.

By order,

RAJNEESH, IAS
Secretary (Env. & ST).

**ब अदालत श्री मित्रदेव मोहतल, तहसीलदार एवं कार्यकारी दण्डाधिकारी, कुल्लू,
जिला कुल्लू (हि0 प्र0)**

केस नं0 : 02/M.E./T/2020

1. श्री हीरा लाल आयु 30 वर्ष पुत्र श्री शिव चन्द, निवासी गांव बागन, डा0 बढाई, तहसील व जिला कुल्लू, हि0 प्र0।

2. श्रीमती सीता देवी आयु 20 वर्ष पुत्री श्री जोग ध्यान, निवासी गांव तानी नगर, डाकघर भेखली, तहसील व जिला कुल्लू, हि0 प्र0 प्रार्थीगण।

बनाम

आम जनता

प्रतिवादीगण।

विषय.—प्रार्थना—पत्र जेर धारा 8(4) हि0 प्र0 रजिस्ट्रीकरण नियम, 2004 विवाह पंजीकरण बारे।

उपरोक्त मामला में प्रार्थीगण उपरोक्त ने इस अदालत में प्रार्थना—पत्र पेश किया है कि उन्होंने दिनांक 05-05-2018 को हिन्दू रीति—रिवाज के अनुसार स्थान बागन में शादी कर ली है और तब से पति—पत्नी के रूप में रहते चले आ रहे हैं। परन्तु प्रार्थीगण द्वारा अपनी शादी का इन्द्राज सम्बन्धित पंचायत में नहीं करवाया है।

अतः सर्वसाधारण को व सगे सम्बन्धियों को इस इशतहार द्वारा सूचित किया जाता है कि किसी भी व्यक्ति को उपरोक्त प्रार्थीगणों की शादी को सम्बन्धित पंचायत के अभिलेख में दर्ज करने बारे कोई उजर व एतराज हो तो वह दिनांक 22-02-2020 को सुबह 10.00 बजे या इससे पूर्व असालतन या वकालतन हाजिर अदालत पेश होकर अपना उजर/एतराज पेश कर सकता है। इसके उपरान्त कोई भी उजर व एतराज प्राप्त न होने की सूरत में नियमानुसार शादी दर्ज करने के आदेश पारित कर दिए जाएंगे।

आज दिनांक 22-01-2020 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

हस्ताक्षरित/—
कार्यकारी दण्डाधिकारी एवं तहसीलदार,
कुल्लू, जिला कुल्लू (हि0 प्र0)।

**ब अदालत श्री मित्रदेव मोहतल, तहसीलदार एवं कार्यकारी दण्डाधिकारी, कुल्लू,
जिला कुल्लू (हि0 प्र0)**

केस नं0 : 01/M.E./T/2020

1. श्री युगल किशोर सुपुत्र श्री चेत राम, निवासी लेका वेकार, डाकघर ढालपुर, तहसील व जिला कुल्लू, हि0 प्र0।

2. श्रीमती विद्या देवी पुत्री श्री नानक चन्द, निवासी गांव शांगरी बाग, डाकघर नेउली, तहसील व जिला कुल्लू, हि0 प्र0 प्रार्थीगण।

बनाम

विषय.—प्रार्थना—पत्र जेर धारा 8(4) हि0 प्र0 रजिस्ट्रीकरण नियम, 2004 विवाह पंजीकरण बारे।

उपरोक्त मामला में प्रार्थीगण उपरोक्त ने इस अदालत में प्रार्थना—पत्र पेश किया है कि उन्होंने दिनांक 05-11-2015 को हिन्दू रीति—रिवाज के अनुसार स्थान टिकरावोडी में शादी कर ली है और तब से पति—पत्नी के रूप में रहते चले आ रहे हैं। परन्तु प्रार्थीगण द्वारा अपनी शादी का इन्द्राज सम्बन्धित पंचायत में नहीं करवाया है।

अतः सर्वसाधारण को व सगे सम्बन्धियों को इस इशतहार द्वारा सूचित किया जाता है कि किसी भी व्यक्ति को उपरोक्त प्रार्थीगणों की शादी को सम्बन्धित पंचायत के अभिलेख में दर्ज करने बारे कोई उजर व एतराज हो तो वह दिनांक 22-02-2020 को सुबह 10.00 बजे या इससे पूर्व असालतन या वकालतन हाजिर अदालत पेश होकर अपना उजर/एतराज पेश कर सकता है। इसके उपरान्त कोई भी उजर व एतराज प्राप्त न होने की सूरत में नियमानुसार शादी दर्ज करने के आदेश पारित कर दिए जाएंगे।

आज दिनांक 22-01-2020 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

हस्ताक्षरित/—
कार्यकारी दण्डाधिकारी एवं तहसीलदार,
कुल्लू जिला कुल्लू (हि0 प्र0)।

ब अदालत श्री मित्रदेव मोहतल, तहसीलदार एवं कार्यकारी दण्डाधिकारी, कुल्लू,
जिला कुल्लू (हि0 प्र0)

केस नं0 : 04/M.E./T/2020

1. श्री गोविन्द पुत्र श्री मेहर चन्द, निवासी गांव बन्दरोल, डाकघर बन्दरोल, तहसील व जिला कुल्लू, हि0 प्र0।
2. श्रीमती वर्षा पुत्री श्री इन्द्र सिंह, निवासी गांव सूमा, डाकघर डुधीलग, तहसील व जिला कुल्लू, हि0 प्र0 प्रार्थीगण।

बनाम

आम जनता

प्रतिवादीगण।

विषय.—प्रार्थना—पत्र जेर धारा 8(4) हि0 प्र0 रजिस्ट्रीकरण नियम, 2004 विवाह पंजीकरण बारे।

उपरोक्त मामला में प्रार्थीगण उपरोक्त ने इस अदालत में प्रार्थना—पत्र पेश किया है कि उन्होंने दिनांक 03-12-2018 को हिन्दू रीति—रिवाज के अनुसार स्थान बन्दरोल में शादी कर ली है और तब से पति—पत्नी के रूप में रहते चले आ रहे हैं। परन्तु प्रार्थीगण द्वारा अपनी शादी का इन्द्राज सम्बन्धित पंचायत में नहीं करवाया है।

अतः सर्वसाधारण को व सगे सम्बन्धियों को इस इशतहार द्वारा सूचित किया जाता है कि किसी भी व्यक्ति को उपरोक्त प्रार्थीगणों की शादी को सम्बन्धित पंचायत के अभिलेख में दर्ज करने बारे कोई उजर व

एतराज हो तो वह दिनांक 22-02-2020 को सुबह 10.00 बजे या इससे पूर्व असालतन या वकालतन हाजिर अदालत पेश होकर अपना उजर/एतराज पेश कर सकता है। इसके उपरान्त कोई भी उजर व एतराज प्राप्त न होने की सूरत में नियमानुसार शादी दर्ज करने के आदेश पारित कर दिए जाएंगे।

आज दिनांक 22-01-2020 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

हस्ताक्षरित/—
कार्यकारी दण्डाधिकारी एवं तहसीलदार,
कुल्लू जिला कुल्लू (हि0 प्र0)।

ब अदालत श्री मित्रदेव मोहतल, तहसीलदार एवं कार्यकारी दण्डाधिकारी, कुल्लू,
जिला कुल्लू (हि0 प्र0)

केस नं0 : 03/M.E./T/2020

1. श्री राजू ठाकुर पुत्र श्री रमेश ठाकुर, निवासी गांव दुर्गा नगर, डाकघर भेखली, तहसील व जिला कुल्लू हि0 प्र0।

2. श्रीमती सुष्मा पुत्री श्री तारा चन्द, निवासी गांव भाट कराल शिरड, तहसील व जिला कुल्लू हि0 प्र0 प्रार्थीगण।

बनाम

आम जनता

प्रतिवादीगण।

विषय.—प्रार्थना-पत्र जेर धारा 8(4) हि0 प्र0 रजिस्ट्रीकरण नियम, 2004 विवाह पंजीकरण बारे।

उपरोक्त मामला में प्रार्थीगण उपरोक्त ने इस अदालत में प्रार्थना-पत्र पेश किया है कि उन्होंने दिनांक 27-04-2018 को हिन्दू रीति-रिवाज के अनुसार स्थान दुर्गा नगर में शादी कर ली है और तब से पति-पत्नी के रूप में रहते चले आ रहे हैं। परन्तु प्रार्थीगण द्वारा अपनी शादी का इन्द्राज सम्बन्धित पंचायत में नहीं करवाया है।

अतः सर्वसाधारण को व सगे सम्बन्धियों को इस इशतहार द्वारा सूचित किया जाता है कि किसी भी व्यक्ति को उपरोक्त प्रार्थीगणों की शादी को सम्बन्धित पंचायत के अभिलेख में दर्ज करने बारे कोई उजर व एतराज हो तो वह दिनांक 22-02-2020 को सुबह 10.00 बजे या इससे पूर्व असालतन या वकालतन हाजिर अदालत पेश होकर अपना उजर/एतराज पेश कर सकता है। इसके उपरान्त कोई भी उजर व एतराज प्राप्त न होने की सूरत में नियमानुसार शादी दर्ज करने के आदेश पारित कर दिए जाएंगे।

आज दिनांक 22-01-2020 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

हस्ताक्षरित/—
कार्यकारी दण्डाधिकारी एवं तहसीलदार,
कुल्लू जिला कुल्लू (हि0 प्र0)।

**In the Court of Sh. Anurag Chander Sharma, IAS, Marriage Officer-cum-Sub-Divisional
Magistrate, Kullu, Distt. Kullu (H.P.)**

In the matter of :

1. Devender Pal s/o Sh. Aatma Ram, r/o Village Khargan, P.O. Raison, Tehsil & Distt. Kullu, H.P.

2. Rekha d/o Sh. Dhan Bahadur, r/o Village & P.O. Patli Kuhal, Tehsil Manali, Distt. Kullu, H.P. .. *Applicants.*

Versus

General Public

Subject.—Proclamation for the registration of marriage under section 16 of Special marriage Act, 1954.

Sh. Devender Pal and Rekha filled an application alongwith affidavits in the Court of undersigned under section 16 of Special Marriage Act, 1954 that they have solemnized their marriage on 20-06-2016 and they are living as husband and wife since then, hence their marriage may be registered under Act *ibid*.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage can file the objection personally or in writing before this court on or before 17-02-2020. The objection received after 17-02-2020 will not be entertained and marriage will be registered accordingly.

Issued today on 17-01-2020 under my hand and seal of the court.
Seal.

Sd/-
ANURAG CHANDER SHARMA, IAS,
*Marriage Officer-cum-
Sub-Divisional Magistrate, Kullu (H.P.).*

In the Court of Executive Magistrate, Anni, District Kullu (H.P.)

Prem Singh

.. *Applicant.*

Versus

General Public

.. *Respondent.*

Subject.—Notice under section 13(3) of Birth & Death Registration Act, 1969.

Sh. Prem Singh s/o Sh. Birbal, resident of Village Seen, P.O. Showad, Tehsil Anni, District Kullu, H.P. has moved an application in the office of the undersigned accompanying with an affidavit stating that the birth event of his son Jitender Kumar born on 15-05-1995 has not been entered in the record of Gram Panchayat Ropa.

Hence, the general public is hereby made aware through this notice that if any person or relative have any objection regarding entering birth event of the son of the applicant born on 15-05-1995 in the Panchayat record of Gram Panchayat Ropa, he/she/they may file his /her/their objections on or before 20-02-2020 before this court. In case of non-filing of any objection, the *ex-parte* order will be passed.

Given under my seal and signature on this 21st day of January, 2020.

Seal.

Sd/-

*Executive Magistrate,
Anni, District Kullu, H.P.*

In the Court of Executive Magistrate, Anni, District Kullu (H.P.)

Raja Ram

. . Applicant.

Versus

General Public

. . Respondent.

Subject.—Notice under section 13(3) of Birth & Death Registration Act, 1969.

Sh. Raja Ram s/o Sh. Navi Ram, resident of Village Badongnal, P.O. Dalash, Tehsil Anni, District Kullu, H.P. has moved an application in the office of the undersigned accompanying with an affidavit stating that the birth event of his son Akshay Kumar born on 13-04-2007 has not been entered in the record of Gram Panchayat Beongal.

Hence, the general public is hereby made aware through this notice that if any person or relative have any objection regarding entering birth event of the son of the applicant born on 13-04-2007 in the Panchayat record of Gram Panchayat Beongal, he/she/they may file his /her/their objections on or before 20-02-2020 before this court. In case of non-filing of any objection, the *ex-parte* order will be passed.

Given under my seal and signature on this 21st day of January, 2020.

Seal.

Sd/-

*Executive Magistrate,
Anni, District Kullu, H.P.*

ब अदालत श्री प्रेम सिंह, सहायक समाहर्ता द्वितीय श्रेणी, सुन्दरनगर, जिला मण्डी (हि0 प्र0)

ब मुकद्दमा :

1. लालमन, 2. राम लाल पुत्रगण श्री धनी राम, 3. मीरा देवी, 4. दया, 5. चमेली, 6. माया पुत्रियां धनी राम, 7. कला देवी पत्नी स्व0 श्री धनी राम, निवासीगण गांव पंजराहन, डाकघर एम0डी0 गलू, तहसील सुन्दरनगर, जिला मण्डी, हि0 प्र0 प्रार्थीगण।

आम जनता

फरीकदोयम।

मकफूद-उल-खबरी का इन्तकाल दर्ज किए जाने हेतु प्रार्थना-पत्र।

उपरोक्त प्रार्थीगण श्री लालमन एवं अन्य निवासीगण गांव पंजराहन, डाकघर एम0डी0 गलू, तहसील सुन्दरनगर, जिला मण्डी, हि0 प्र0 ने इस अदालत में प्रार्थना-पत्र गुजारा है कि प्रार्थीगण जोकि धनी राम पुत्र रूलदू के जायज वारसान हैं धनी राम पुत्र रूलदू अर्सा 18-19 वर्षों से बिना बताए घर से लापता हो गया था। उसका आज तक कोई भी पता नहीं मिला है। प्रार्थीगण ने धनी राम के सारे रिश्तेदारों व हर मुमकिन जगह पर छानबीन की परन्तु कोई भी पता नहीं चला और न ही आज तक किसी ने उसे देखा है। राजस्व कागजात माल में धनी राम का नाम दर्ज होने के कारण प्रार्थीगणों को राजस्व सम्बन्धी कार्य करवाने में असुविधा हो रही है। इसलिए धनी राम का मकफूद-उल-खबरी का इन्तकाल प्रार्थीगणों के नाम दर्ज व तस्दीक कर दिया जावे।

इस सम्बन्ध में इश्तहार मुस्त्री मुनादी के माध्यम से फरीकदोयम आम जनता को सूचित किया जाता है कि उपरोक्त मकफूद-उल-खबरी का इन्तकाल दर्ज व तस्दीक करने में किसी को कोई भी उजर/एतराज हो तो वह दिनांक 27-02-2020 को सुबह 10.00 बजे असातन या वकालतन हाजिर आकर अपना उजर व एतराज पेश कर सकते हैं अन्यथा हाजिर न आने पर फरीकदोयम आम जनता के विरुद्ध एकतरफा कार्यवाही अमल में लाई जाकर श्री धनी राम की बरास्त का मकफूद-उल-खबरी का इन्तकाल प्रार्थीगणों के नाम दर्ज व तस्दीक कर दिया जाएगा।

आज दिनांक 09-01-2020 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-
सहायक समाहर्ता द्वितीय श्रेणी,
सुन्दरनगर, जिला मण्डी, हि0 प्र0।

समक्ष श्री देवी सिंह कौशल, सहायक समाहर्ता प्रथम वर्ग, तहसील निहरी, जिला मण्डी (हि0 प्र0)

मिसल नम्बर : 15/2019

तारीख मजरुआ : 14-11-2019

आगामी पेशी : 19-02-2020

श्री चमन लाल पुत्र बरिया, निवासी बिठरी, डाकघर व तहसील निहरी, जिला मण्डी (हि0प्र0) प्रार्थी।

बनाम

श्री आशीष पुत्र श्री रामेश्वर, निवासी जालवाहन, डाकघर जलपेहड, तहसील जोगिन्द्रनगर, जिला मण्डी (हि0प्र0) प्रत्यार्थीगण।

तकसीम दावा मुस्त्री का भूमि खाता खतौनी नं0 140/267, खसरा नं0 3565/3471/1423 व 3569/3471/1423, कित्ता 2, रकबा तादादी 00-18-05 बीघा स्थित महाल निहरी/19 पटवार वृत्त निहरी, तहसील निहरी, जिला मण्डी (हि0 प्र0)।

दिनांक 14-11-2019 को प्रार्थी श्री चमन लाल पुत्र बरिया, निवासी बिठरी, डाकघर व तहसील निहरी, जिला मण्डी (हि0प्र0) वाले में सहायक समाहर्ता प्रथम श्रेणी निहरी, जिला मण्डी, हि0प्र0 को अपनी अराजी भूमि की तकसीम करवाने हेतु प्रस्तुत किया है कि मामले में नियमानुसार सुनवाई के दौरान इस अदालत द्वारा सभी

फिकैनों को बजरिया समन सूचित किया गया, परन्तु प्रतिवादी संख्या 19 श्री आशीष पुत्र श्री रामेश्वर, निवासी जालवाहन वाले को समन भेजने के पश्चात् भी समन की तामील होना नहीं पाई जा रही है।

अतः इस सम्बन्ध में श्री आशीष पुत्र श्री रामेश्वर, निवासी जालवाहन वाले को बजरिया इश्तहार हजा के माध्यम से सूचित किया जाता है कि यदि उसे इस तकसीम बारा कोई उजर या एतराज हो तो वह असालतन या वकालतन इस अदालत में दिनांक पेशी 19-02-2020 को हाजिर आकर अपना एतराज या पक्ष प्रस्तुत करवा सकता है अन्यथा गैर/हाजिरी की सूरत में एकतरफा कार्यवाही अमल में लाई जाकर मामला में आगामी कार्यवाही शुरू कर दी जाएगी।

आज दिनांक 18-01-2020 को मेरे हस्ताक्षर व अदालत मोहर जारी हुआ।

मोहर।

हस्ताक्षरित /—
सहायक समाहर्ता प्रथम वर्ग,
निहरी, जिला मण्डी (हि0 प्र0)।

**In the Court of Shri Neeraj Gupta, Sub-Divisional Magistrate, Shimla (R),
District Shimla (H. P.)**

Shri Roshan Lal s/o Shri Ram Lal, r/o Madan Kanwar Building, Sangti Sanjauli, Tehsil and District Shimla, Himachal Pradesh.

Versus

General Public

.. Respondent.

Whereas Shri Roshan Lal s/o Shri Ram Lal, r/o Madan Kanwar Building, Sangti Sanjauli, Tehsil and District Shimla, Himachal Pradesh has filed an application along with affidavit in the court of undersigned under Section 13(3) of the Birth & Death Registration Act, 1969 to enter the name/date of birth of his son named—Dhan Raj s/o Shri Roshan Lal s/o Shri Ram Lal, r/o Madan Kanwar Building, Sangti Sanjauli, Tehsil and District Shimla, Himachal Pradesh in the record of Secy., Birth and Death, Municipal Corporation, Tehsil and District Shimla.

Sl. No.	Name of the family member	Relation	Date of birth
1.	Dhan Raj	son	06-07-1993

Hence, this proclamation is issued to the general public if they have any objection/claim regarding to enter the name/date of birth of above named in the record of Municipal Corporation, Tehsil and District Shimla may file their claims/objections on or before one month of publication of this notice in Govt. Gazette in this court, failing which necessary orders will be passed.

Issued today 23-01-2020 under my signature and seal of the court.

Seal.

Sd/-
Sub-Divisional Magistrate,
Shimla (R), District Shimla.

**In the Court of Shri Neeraj Gupta, Sub-Divisional Magistrate, Shimla (R),
District Shimla (H. P.)**

Shri Roshan Lal s/o Shri Ram Lal, r/o Madan Kanwar Building, Sangti Sanjauli, Tehsil and District Shimla, Himachal Pradesh.

Versus

General Public

.. Respondent.

Whereas Shri Roshan Lal s/o Shri Ram Lal, r/o Madan Kanwar Building, Sangti Sanjauli, Tehsil and District Shimla, Himachal Pradesh has filed an application alongwith affidavit in the court of undersigned under Section 13(3) of the Birth & Death Registration Act, 1969 to enter the name/date of birth of his daughter named—Mamta d/o Shri Roshan Lal s/o Shri Ram Lal, r/o Madan Kanwar Building, Sangti Sanjauli, Tehsil and District Shimla, Himachal Pradesh in the record of Secy., Birth and Death, Municipal Corporation, Tehsil and District Shimla.

Sl. No.	Name of the family member	Relation	Date of birth
1.	Mamta	daughter	08-08-1994

Hence, this proclamation is issued to the general public if they have any objection/claim regarding to enter the name/date of birth of above named in the record of Municipal Corporation, Tehsil and District Shimla may file their claims/objections on or before one month of publication of this notice in Govt. Gazette in this court, failing which necessary orders will be passed.

Issued today 23-01-2020 under my signature and seal of the court.

Seal.

Sd/-

*Sub-Divisional Magistrate,
Shimla (R), District Shimla.*

**In The Court of Niraj Chandla, H.P.A.S., Sub Divisional Magistrate Shimla (Urban)
District Shimla, Himachal Pradesh**

Smt. Roopa w/o Shri Ashish Kumar, r/o Kala Niwas, Ambedkar Road, Dhalli Shimla-12, Tehsil & District Shimla, H. P. . . Applicant.

Versus

General Public

. . Respondent.

Application under Section 13(3) of Birth and Death Registration Act, 1969.

Whereas Smt. Roopa w/o Shri Ashish Kumar, r/o Kala Niwas, Ambedkar Road, Dhalli Shimla-12, Tehsil & District Shimla, H. P. has preferred an application to the undersigned for registration of date of birth of her daughter namely ANSHIKA (DOB 25-02-2015) at above address in the record of Municipal Corporation, Shimla.

Therefore, this proclamation, the General Public is hereby informed that any person having any objection for entry as to date of birth mentioned above, may submit his objection in writing in this court within 30 days from the date of publication of this notice in Govt. Gazette, failing which no objection will be entertained after expiry of date and will be decided accordingly.

Given under my hand and seal of the Court on this 27th day of January, 2020.

Seal.

NIRAJ CHANDLA H.P.A.S.,
Sub-Divisional Magistrate,
Shimla (Urban), Distt. Shimla.

**In the Court of Shri Neeraj Gupta, Sub-Divisional Magistrate, Shimla (R),
District Shimla (H. P.)**

Smt. Meera Devi w/o Shri Rajesh Kumar, r/o Village Sheelagaon (Mawari), P.O. Chanog, Tehsil and District Shimla, Himachal Pradesh.

Versus

General Public

. . Respondent.

Whereas Smt. Meera Devi w/o Shri Rajesh Kumar, r/o Village Sheelagaon (Mawari), P.O. Chanog, Tehsil and District Shimla, Himachal Pradesh has filed an application alongwith affidavit in the court of undersigned under section 13(3) of the Birth & Death Registration Act, 1969 to enter the name/date of birth of her adopted Daughter named—Sonakshi d/o Smt. Meera Devi w/o Shri Rajesh Kumar, r/o Village Sheelagaon (Mawari), P.O. Chanog, Tehsil and District Shimla, Himachal Pradesh in the record of Secy., Birth and Death, Gram Panchayat Chanog, Tehsil and District Shimla.

Sl. No.	Name of the family member	Relation	Date of Birth
1.	Sonakshi	Adopted Daughter	24-04-2014

Hence, this proclamation is issued to the general public if they have any objection/claim regarding to enter the name/date of birth of above named in the record of Gram Panchayat Chanog, Tehsil and District Shimla, may file their claims/objections on or before one month of publication of this notice in Govt. Gazette in this court, failing which necessary orders will be passed.

Issued today 24-01-2020 under my signature and seal of the court.

Seal.

Sd/-
Sub-Divisional Magistrate,
Shimla (R), District Shimla (H.P.).

**In the Court of Shri Neeraj Gupta, Sub-Divisional Magistrate, Shimla (R),
District Shimla (H. P.)**

Sh. Megh Dass Kashyap s/o Late Shri Narainu Ram, r/o Ward No. 1, Sharog, Tehsil Sunni, District Shimla, Himachal Pradesh.

Versus

General Public

. . Respondent.

Whereas Sh. Megh Dass Kashyap s/o Late Shri Narainu Ram, r/o Ward No. 1, Sharog, Tehsil Sunni, District Shimla, Himachal Pradesh has filed an application alongwith affidavit in the court of undersigned under section 13(3) of the Birth & Death Registration Act, 1969 to enter the name/date of death of his father named—Late Sh. Narainu Ram s/o Late Shri Dhoomi, r/o Ward No. 1, Sharog, Tehsil Sunni, District Shimla, Himachal Pradesh in the record of Secy., Birth and Death, Gram Panchayat Kotla, Dhami, Tehsil Sunni, District Shimla.

Sl. No.	Name of the family member	Relation	Date of Death
1.	Late Sh. Narainu Ram	father	02-07-1969

Hence, this proclamation is issued to the general public if they have any objection/claim regarding to enter the name/date of death of above named in the record of Gram Panchayat Kotla, Dhami, Tehsil Sunni, District Shimla, may file their claims/objections on or before one month of publication of this notice in Govt. Gazette in this court, failing which necessary orders will be passed.

Issued today 24-01-2020 under my signature and seal of the court.

Seal.

Sd/-

*Sub-Divisional Magistrate,
Shimla (R), District Shimla (H.P.).*

CHANGE OF NAME

I, Munna Devi w/o Vivek Sahni, r/o Ashwani Niwas, Near Tunnel Dhalli, Shimla-12. I have changed my name from Munna Devi to Shikha Sahni after marriage. All concern please note.

MUNNA DEVI,
w/o Sh. Vivek Sahni, r/o Ashwani Niwas,
Near Tunnel Dhalli, Shimla-12, H.P.

CHANGE OF NAME

I, Khim Bhadur s/o Sh. Shobh Bhadur, r/o Hari Kishan Niwas, Wagnaghat, Distt. Solan, H.P. do hereby solemnly affirm and declare on affidavit dated 21-01-2020, that my name entered in PAN Card is wrongly mentioned as Khem Chand, whereas my correct name is Khim Bhadur. So in future I may be known as Khim Bhadur for all purposes and necessary records.

KHIM BHADUR,
s/o Sh. Shobh Bhadur,
r/o Hari Kishan Niwas, Wagnaghat,
Distt. Solan (H.P.).

